

1  
2  
3 BILL NO. G-96-03-06

4 GENERAL ORDINANCE NO. G- 16-96

5 AN ORDINANCE amending the Thoroughfare  
6 Plan of the City Comprehensive ("Master")  
7 Plan by vacating a dedicated right-of-way thereof.

8 WHEREAS, a petition to vacate a dedicated right-of-way within the City of Fort  
9 Wayne (as more specifically described below) was duly filed with the City Planning  
10 Commission; and

11 WHEREAS, said Commission duly held a public hearing thereon; and

12 WHEREAS, said Commission has duly forwarded its recommendation to this body  
13 approving said petition, and this body having held a public hearing on said vacation as  
14 provided in I.C. 36-7-3-12; and

15 WHEREAS, this body concurs in the recommendation of the City Planning  
16 Commission.

17 NOW THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE  
18 CITY OF FORT WAYNE, INDIANA:

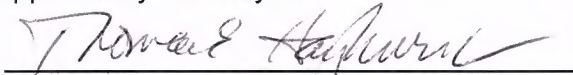
19 SECTION 1. That the petition filed herein to vacate a dedicated right-of-way  
20 within the City of Fort Wayne, more specifically described as follows, to-wit:

21  
22 BEGINNING at the Southwest corner of Lot #23 in Delta Heights Addition,  
23 according to the plat recorded in Plat Record 11B, page 84; thence South  
24 0 degree 58 minutes 27 seconds West (bearing based on previous  
25 description) along the West line of said Delta Heights Addition, a distance  
26 of 50.0 feet to the Northwest corner of Lot #22 in said Addition; thence  
27 South 88 degrees 51 minutes 03 seconds East along the North line of said  
28 lot, a distance of 105.0 feet to a point on the West right-of-way line of U.S.  
29 Highway 30; thence North 0 degree 58 minutes 27 seconds East along  
30 said right-of-way line, a distance of 50.0 feet to a point on the South line  
of Lot #23 in said Addition; thence North 88 degrees 51 minutes 03

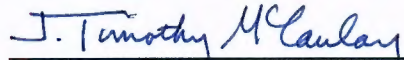
seconds West along said South line, a distance of 105.0 feet to the point of beginning, containing 0.12 acre of land, more or less.

and which vacating amends the Thoroughfare Plan of the City Comprehensive ("Master") Plan and is hereby approved in all respects.

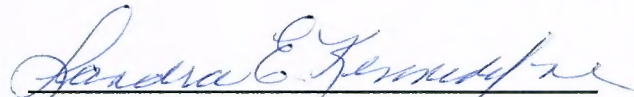
SECTION 2. That this Ordinance shall be in full force and effect from and after its passage, any and all necessary approval by the Mayor.

  
COUNCILMEMBER

APPROVED AS TO FORM AND LEGALITY:

  
J. TIMOTHY MCCAULAY, CITY ATTORNEY

\*\* Public hearing to be held on Tuesday,  
the 1st day of June, 1996,  
in the Council Chambers.

  
Sandra E. Kennedy, City Clerk



Read the first time in full and on motion by Wainwright  
and duly adopted, read the second time by title and referred to the  
Committee on Regulations (and the City Plan Commission  
for recommendation) and Public Hearing to be held after due legal notice, at  
the Common Council Council Conference Room 128, City-County Building, Fort  
Wayne, Indiana, on \_\_\_\_\_, 19\_\_\_\_, the \_\_\_\_\_ day of \_\_\_\_\_  
\_\_\_\_\_ M., E.S.T.

DATED: 3-12-96

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Ravine  
and duly adopted, placed on its passage. PASSED LOST  
by the following vote:

	AYES	NAYS	ABSTAINED	ABSENT
TOTAL VOTES	<u>7</u>			
BENDER	<u>✓</u>			
CRAWFORD	<u>✓</u>			
EDMONDS				<u>✓</u>
HALL	<u>✓</u>			
HAYHURST	<u>✓</u>			
HENRY	<u>✓</u>			
LUNSEY				<u>✓</u>
RAVINE	<u>✓</u>			
SCHMIDT	<u>✓</u>			

DATED: 6-11-96

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne,  
Indiana, as (ANNEXATION) (APPROPRIATION) (GENERAL)

(SPECIAL)

(ZONING)

ORDINANCE

RESOLUTION NO.

16-96

on the 11<sup>th</sup> day of June, 1996

ATTEST:  
Sandra E. Kennedy

SANDRA E. KENNEDY, CITY CLERK

(SEAL)  
DD Schmidt

PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on  
the 13<sup>th</sup> day of June, 1996,  
at the hour of 3:00 o'clock P, M., E.S.T.

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 17<sup>th</sup> day of June  
1996, at the hour of 10:00 o'clock A M., E.S.T.

PAUL HEIMKE  
PAUL HEIMKE, MAYOR

PRESCRIBED BY STATE BOARD OF ACCOUNTS BOYCE FORMS SYSTEMS, MUNCIE, IN.

# RECEIPT

GENERAL FORM NO. 352

No 18477

COMMUNITY & ECONOMIC DEVELOPMENT

FT. WAYNE, IN.,

2/14 1996

RECEIVED FROM

Murphy + Assoc  
two hundred + 00/

\$ 200.00

THE SUM OF

ON ACCOUNT OF

13245

Vacation - Portion of Milwaukee  
for 1/2

100 DOLLARS

AUTHORIZED SIGNATURE

PAID BY: CASH ☐ CHECK ☒ M.O. ☐





# Vacation Petition

Community & Economic Development / 1 Main Street Rm. 830  
Fort Wayne, IN 46802 / (219) 427-1140

I/We do hereby petition to vacate the following:

☐ Plat or portion of plat      ☐ Easement      ☒ Public Right-of-Way (street or alley)

More particularly described as follows:

A portion of Delaware Avenue more particularly described on the attached legal description.

(Please attach a legal description of the property)

The reasons for the proposed vacation are as follows:

Required by Planning Commission in attached letter dated June 27, 1995, for Lowe's development.

(If additional space is needed please attach a separate page)

Property owner(s) name(s): Forestridge, L.L.C. c/o Chester E. Bowman

Street Address: 206 Courtside Building

City: Fort Wayne State: IN Zip: 46802 Phone: 426-4451

(If additional space is needed please attach a separate page)

Applicants Name (if different from above): \_\_\_\_\_

Street Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_ Phone: \_\_\_\_\_

I/We, your petitioners, file this petition pursuant to the authority granted in Indiana Code, and provisions of local ordinance. I/We agree to abide by all provisions of the Fort Wayne Zoning Ordinance and/or Subdivision Control Ordinance, as well as all procedures and policies of the Fort Wayne City Plan Commission as those provisions, and policies relate to the handling and disposition of this petition. I/We also certify that this information is true and accurate to the best of my/our knowledge.

Chester E. Bowman Forestridge, L.L.C. 2/12/96  
Signature L.L.C. Printed Name Date

206 Courtside Building

Address

Fort Wayne, IN 46802

City/state/zip

Chester E. Bowman Chester E. and Beverley J. Bowman 2/12/96  
Signature Printed Name Date

206 Courtside Building

Address

Fort Wayne, IN 46802

City/state/zip

Agents Name (Please print legibly): \_\_\_\_\_

Street Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_ Phone: \_\_\_\_\_

**NOTICE:**

- Legal description is to be of the area to be vacated and must be complete and correct. If necessary a licensed surveyor's legal description may be required.
- All adjacent property owner's signatures must accompany this application.
- Applicant is hereby informed that in the case of a utility being located in a public way or easement, the applicants may be required to bear the cost of relocation, or of providing a replacement easement or easements as needed.
- Applicant is also hereby informed that the vacation of a subdivision plat does not necessarily vacate any dedicated right-of-way(s) or utility easement(s), nor any restrictive covenants that may apply.

For Office Use Only:

Receipt #:

Date Filed:

Map #:

Reference #:



~~EXHIBIT B (Continued)~~

DELAWARE AVENUE TO BE VACATED

BEGINNING at the Southwest corner of Lot # 23 in Delta Heights Addition, according to the plat recorded in Plat Record 11B, page 84; thence South 0 degree 58 minutes 27 seconds West (bearing based on previous description) along the West line of said Delta Heights Addition, a distance of 50.0 feet to the Northwest corner of Lot # 22 in said Addition; thence South 88 degrees 51 minutes 03 seconds East along the North line of said lot, a distance of 105.0 feet to a point on the West right-of-way line of U.S. Highway 30; thence North 0 degree 58 minutes 27 seconds East along said right-of-way line, a distance of 50.0 feet to a point on the South line of Lot # 23 in said Addition; thence North 88 degrees 51 minutes 03 seconds West along said South line, a distance of 105.0 feet to the point of beginning, containing 0.12 acre of land, more or less.

ADJACENT PROPERTY OWNERS:

Forestridge, L.L.C.  
c/o Chester E. Bowman  
206 Courtside Building  
Fort Wayne, IN 46802

Chester E. Bowman and  
Beverley J. Bowman  
206 Courtside Building  
Fort Wayne, IN 46802





# The City of Fort Wayne

Paul Helmke, Mayor

June 27, 1995

Mr. Kerry Dickmeyer  
Coil & Dickmeyer  
6044 E. State Blvd.  
Fort Wayne, In, 46815

RE: Secondary Development Plan  
Forest Ridge Shopping Center - Lowe's

Dear Mr. Dickmeyer:

The Fort Wayne City Plan Commission reviewed the above referenced amendment to the primary development plan at their June 26th business meeting. It was their decision to grant the amendment a "Conditional Approval", contingent upon the developer satisfying the following:

- City Plan: Approval is contingent upon the Plan Commission approving the request for exception and the developer satisfying the following:
- 1) Must comply with the recommendations of the Transportation Technical Committee
  - 2) Delaware Avenue should be vacated prior to private access being granted.
  - 3) Islands located in front of the proposed building should be physically constructed to assist in channeling traffic. Paint islands do not accomplish the channelization goal.
  - 4) Remove the existing billboard at the southeast corner of the site.
  - 5) Develop the east-west internal access road at the north end of the shopping center to provide access for the outlots west of the main State Street entrance.

WPC Eng.

Sanitary:

RESOLUTION 82-227-8

WHEREAS, FORESTRIDGE, L.L.C. (C/O CHESTER E. BOWMAN) has petitioned and requested the Fort Wayne City Plan Commission to hold a public hearing upon the vacation of the following dedicated street right-of-way situated in Fort Wayne, Allen County, to-wit:

BEGINNING at the Southwest corner of Lot #23 in Delta Heights Addition, according to the plat recorded in Plat Record 11B, page 84; thence South 0 degree 58 minutes 27 seconds West (bearing based on previous description) along the West line of said Delta Heights Addition, a distance of 50.0 feet to the Northwest corner of Lot #22 in said Addition; thence South 88 degrees 51 minutes 03 seconds East along the North line of said lot, a distance of 105.0 feet to a point on the West right-of-way line of U.S. Highway 30; thence North 0 degree 58 minutes 27 seconds East along said right-of-way line, a distance of 50.0 feet to a point on the South line of Lot #23 in said Addition; thence North 88 degrees 51 minutes 03 seconds West along said South line, a distance of 105.0 feet to the point of beginning, containing 0.12 acre of land, more or less.

all in accordance with the terms of Section 44, Chapter 174 of the Acts of 1947, of the General Assembly of the State of Indiana, as amended by Section 3 of Chapter 385 of the Acts of the General Assembly of the State of Indiana, Indiana Code Section 36-7-3-12; and,

WHEREAS, notice of such public hearing has been given by due and proper publication thereof;

WHEREAS, said vacation of dedicated street right-of-way has been routed through the following departments: Street Engineering, Traffic Engineering, Water Pollution Control Engineering, Electrical Engineering, Park Board and through the Public Utility Companies.

NOW THEREFORE, BE IT RESOLVED by the Fort Wayne Board of Public Works that the vacation of said dedicated street right-of-way hereinbefore described conforms to the general policy and pattern of development set out in the Master Plan of the City of Fort Wayne, Indiana.

BE IT FURTHER RESOLVED by the Board of Public Works that the vacation of said dedicated street right-of-way hereinbefore described be and the same is hereby approved subject to easements as required by all public utilities occupying and using said portion of dedicated street right-of-way or part thereof for the vacation and operation of its utility facilities shall not be deprived of said use on account of these proceedings unless any said utilities shall file a written consent to said vacation.

STATE OF INDIANA)

) SS:

COUNTY OF ALLEN )

I, Linda Buskirk, Director of the Board of Public Works, do hereby certify that attached hereto is a full, true and correct copy of a resolution adopted by the Fort Wayne Board of Public Works at their meeting held May 8, 1996 and as same appears of record in the official records of the Board of Public Works.

DATED THIS 8<sup>th</sup> DAY OF May, 1996

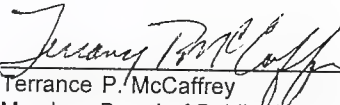
FORT WAYNE BOARD OF PUBLIC WORKS

Linda Buskirk  
Linda Buskirk  
Chairman, Board of Public Works

C. James Owen  
C. James Owen  
Member, Board of Public Works

B/W Resolution - #608

Page two

  
Terrance P. McCaffrey  
Member, Board of Public Works



## RESOLUTION

WHEREAS, FORESTRIDGE, L.L.C. (C/O CHESTER E. BOWMAN) has petitioned and requested the Fort Wayne City Plan Commission to hold a public hearing upon the vacation of the following dedicated street right-of-way situated in Fort Wayne, Allen County, to-wit:

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all in accordance with the terms of Section 44, Chapter 174 of the Acts of 1947, of the General Assembly of the State of Indiana, as amended by Section 3 of Chapter 385 of the Acts of the General Assembly of the State of Indiana, Indiana Code Section 36-7-3-12; and,

WHEREAS, notice of such public hearing has been given by due and proper publication thereof; and,

WHEREAS, said public hearing was held on March 18, 1996 at 7:00 P.M. and at such hearing there were no objections of any kind or character which should prevent the vacation of said dedicated street right-of-way.

WHEREAS, said vacation of dedicated street right-of-way has been routed through the following departments: Street Engineering, Traffic Engineering, Water Engineering, Water Pollution Control Engineering, Street Light Engineering, Park Board and through the Public Utility Companies.

NOW THEREFORE, BE IT RESOLVED by the Fort Wayne City Plan Commission that the vacation of said dedicated street right-of-way hereinbefore described conforms to the general policy pattern of development set out in the Master Plan of the City of Fort Wayne, Indiana;

BE IT FURTHER RESOLVED by the Fort Wayne City Plan Commission that the vacation of said dedicated street right-of-way hereinbefore described be and the same is hereby approved.

BE IT FURTHER RESOLVED no public utility occupying and using said dedicated street right-of-way or part thereof for the vacation and operation of its utility facilities shall be deprived of said use on account of these proceedings unless any said utility shall file a written consent to said vacation.

BE IT FURTHER RESOLVED that the action of the Fort Wayne City Plan Commission be forwarded to the proper governing body having jurisdiction of the vacation of said dedicated street right-of-way in Allen County, Indiana.

STATE OF INDIANA)  
 ) SS:  
COUNTY OF ALLEN )

I, Carol Kettler Sharp, Secretary of the Fort Wayne City Plan Commission, do hereby certify that attached is a full true and correct copy of a resolution adopted by the Fort Wayne City Plan Commission following a public hearing of said Commission held, March 25, 1996 and as the same appears of record in the official records of said Plan Commission.

City Plan Resolution - #608

Page two.

DATED THIS 3rd DAY OF May 1996

FORT WAYNE CITY PLAN COMMISSION

*Carol Kettler Sharp*

---

Carol Kettler Sharp  
Secretary

*From the desk of:*  
**Pat Biancaniello**

AGENT:

Murphy & Assoc Inc  
111 E Wayne St Ste 500  
City 02



# FACT SHEET

G-96-03-06

BILL NUMBER

## Division of Community Development & Planning

BRIEF TITLE APPROVAL DEADLINE REASON

Street Vacation Ordinance

### DETAILS

<p><b>Specific Location and/or Address</b></p> <p>A portion of Delaware Avenue.</p>
<p><b>Reason for Project</b></p> <p>Private access to the planned shopping center as per the requirements of the Plan Commission.</p>
<p><b>Discussion (Including relationship to other Council actions)</b></p> <p><u>18 March 1996 - Public Hearing</u></p> <p>Chester Bowman, petitioner, appeared before the Commission. Mr. Bowman stated that part of the conditions for approval of the secondary development plan for Forest Ridge Shopping Center (Lowe's), the developer was requested to vacate that portion of Delaware Avenue to be used as a private access. He stated that they are the only property owners that abut the right-of-way to be vacated.</p> <p>There was no one else present who spoke in favor of or in opposition to the proposed vacation.</p> <p><u>25 March 1996 - Business Meeting</u></p> <p>Motion was made and seconded to return the ordinance to the Common Council with a DO PASS recommendation, contingent upon the petitioner(s) providing utility easements or relocations as needed.</p>

### POSITIONS

### RECOMMENDATIONS

Sponsor	City Plan Commission
Area Affected	City Wide  Other Areas
Applicants/ Proponents	Applicant(s) Chester E Bowman City Department  Other
Opponents	Groups or Individuals  Basis of Opposition
Staff Recommendation	<input checked="" type="checkbox"/> For <input type="checkbox"/> Against  Reason Against
Board or Commission Recommendation	By  <input checked="" type="checkbox"/> For <input type="checkbox"/> Against <input type="checkbox"/> No Action Taken  <input type="checkbox"/> For with revisions to conditions (See Details column for conditions)
CITY COUNCIL ACTIONS (For Council use only)	<input type="checkbox"/> Pass <input type="checkbox"/> Other <input type="checkbox"/> Pass (as amended) <input type="checkbox"/> Hold <input type="checkbox"/> Council Sub. <input type="checkbox"/> Do not pass

TAILS

Of the seven (7) members present, six (6) voted in favor of the motion, the Chair did not vote.

Motion carried.

Members Present: Linda Buskirk, Ernest Evans, Dede Hall, Stanley Phillips, Richard Pierce, Dave Ross, Carol Kettler Sharp

Members Absent: James Hoch, Thomas Quirk

POLICY/PROGRAM IMPACT

Policy or Program Change	<input type="checkbox"/> No <input type="checkbox"/> Yes
Operational Impact Assessment	

(This space for further discussion)

Project Start

Date 14 February 1996

Projected Completion or Occupancy

Date 17 May 1996

Fact Sheet Prepared by

Date 17 May 1996

Patricia Biancaniello

Reviewed by

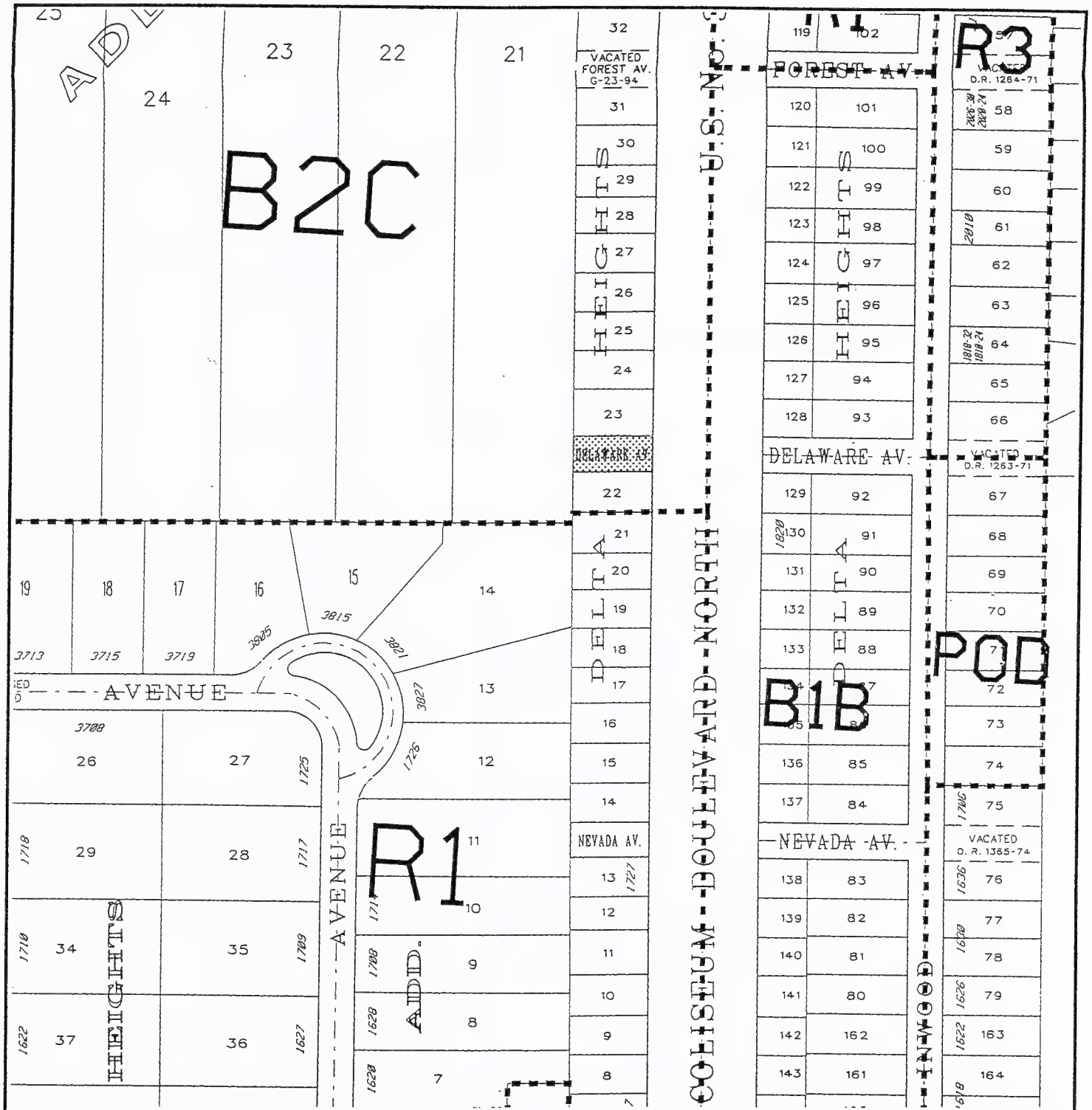
Date 20 May 1996

Reference or Case Number

# VACATION PETITION

## AREA MAP

CASE NO. #608



COUNCILMANIC DISTRICT NO. 1

Map No. R - 14

LW 2-22-96

R1	One-Family	B1	Limited Business	M1	Light Industrial
R2	Two-Family	B2	Planned Shopping Center	M2	General Industrial
R3	Multi-Family	B3	General Business	M3	Heavy Industrial
RA/RB	Residential	B4	Roadside Business	MHP	Mobile Home Park
PUD	Planned Unit Dev.	POD	Professional Office District		





**Forestridge, L.L.C., Chester E. and Beverley J. Bowman, request the vacation of a public right-of-way.**

Location: Delaware Avenue from Coliseum Boulevard East to its terminus

Legal: See file

Land Area: Approximately 0.12 acres

Zoning: Surrounding property is B-2-C

Surroundings:	North	B-2-C	Planned shopping center
	South	B-2-C	Planned shopping center
	East	B-1-B	Commercial
	West	B-2-C	Planned shopping center

Reason for Request: Private access to the planned shopping center as per the requirements of the Plan Commission.

Neighborhood Assoc.: None

Neighborhood Plan: No comment.

Comprehensive Plan: No comment.

### **Planning Staff Discussion:**

As part of the conditions of approval for the Secondary Development Plan for Forest Ridge Shopping Center (Lowe's), the developer was requested to vacate that portion of Delaware Avenue to be used as a private access. The petitioners are the only property owners that abut the public right-of-way.

Delaware Avenue is a 50-foot right-of-way that extends 105 feet west of Coliseum Boulevard. It is intended that this area would be used as a private driveway into Forest Ridge Shopping Center according to the Lowe's site plan. The developer delayed requesting the vacation until the State Highway had the opportunity to review the proposed driveway improvements.

This right-of-way is no longer needed for future growth of the city, and its vacation will not negatively impact anyone's access to other public places or ways. Since originally set aside for future access to potential residential development, changes have occurred allowing the

area to develop commercially. As conditions in the area have changed, the right-of-way no longer serves a public purpose. Vacation would put the property back on the tax rolls. A similar situation existed to the north regarding Forest Avenue. That right-of-way was vacated in 1995, and developed as a right-in / right-out access to the shopping center.

Staff would suggest that the vacation be approved contingent upon the petitioner providing utility easements or relocations as needed. The right-of-way is no longer needed for growth or access purposes. Vacating it will allow private development to construct a commercial driveway for the Forest Ridge shopping center.

Recommendation: Conditional Approval, contingent upon the petitioners providing utility easements or relocations as needed and for the following reasons:

- 1) Approval will not impact access to other public ways or places.
- 2) Approval will allow the abutting development to construct a private access to serve the site, removing the city from any maintenance responsibility for private development access.
- 3) The vacation will not hinder the growth or development of the area.



RESOLUTION 82-227-8

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WHEREAS, notice of such public hearing has been given by due and proper publication thereof;

WHEREAS, said vacation of dedicated street right-of-way has been routed through the following departments: Street Engineering, Traffic Engineering, Water Pollution Control Engineering, Electrical Engineering, Park Board and through the Public Utility Companies.

NOW THEREFORE, BE IT RESOLVED by the Fort Wayne Board of Public Works that the vacation of said dedicated street right-of-way hereinbefore described conforms to the general policy and pattern of development set out in the Master Plan of the City of Fort Wayne, Indiana.

BE IT FURTHER RESOLVED by the Board of Public Works that the vacation of said dedicated street right-of-way hereinbefore described be and the same is hereby approved subject to easements as required by all public utilities occupying and using said portion of dedicated street right-of-way or part thereof for the vacation and operation of its utility facilities shall not be deprived of said use on account of these proceedings unless any said utilities shall file a written consent to said vacation.

STATE OF INDIANA)  
 ) SS:  
COUNTY OF ALLEN )

I, Linda Buskirk, Director of the Board of Public Works, do hereby certify that attached hereto is a full, true and correct copy of a resolution adopted by the Fort Wayne Board of Public Works at their meeting held May 8, 1996 and as same appears of record in the official records of the Board of Public Works.

DATED THIS 8<sup>th</sup> DAY OF May 1996

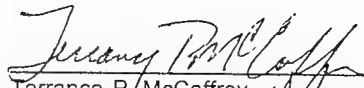
FORT WAYNE BOARD OF PUBLIC WORKS

Linda Buskirk  
Linda Buskirk  
Chairman, Board of Public Works

\_\_\_\_\_  
C. James Owen  
Member, Board of Public Works

B/W Resolution - #608

Page two

  
Terrance P. McCaffrey  
Member, Board of Public Works

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WHEREAS, said public hearing was held on March 18, 1996 at 7:00 P.M. and at such hearing there were no objections of any kind or character which should prevent the vacation of said dedicated street right-of-way.

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BE IT FURTHER RESOLVED that the action of the Fort Wayne City Plan Commission be forwarded to the proper governing body having jurisdiction of the vacation of said dedicated street right-of-way in Allen County, Indiana.

STATE OF INDIANA)  
 ) SS:  
COUNTY OF ALLEN )

I, Carol Kettler Sharp, Secretary of the Fort Wayne City Plan Commission, do hereby certify that attached is a full true and correct copy of a resolution adopted by the Fort Wayne City Plan Commission following a public hearing of said Commission held, March 25, 1996 and as the same appears of record in the official records of said Plan Commission.

City Plan Resolution - #608

Page two.

DATED THIS 3rd DAY OF May 1996

FORT WAYNE CITY PLAN COMMISSION

*Carol Kettler Sharp*

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Carol Kettler Sharp  
Secretary



# FACT SHEET

G-96-03-06

BILL NUMBER

## Division of Community Development & Planning

BRIEF TITLE

APPROVAL DEADLINE

REASON

Street Vacation Ordinance

### DETAILS

<p><b>Specific Location and/or Address</b></p> <p>A portion of Delaware Avenue.</p>
<p><b>Reason for Project</b></p> <p>Private access to the planned shopping center as per the requirements of the Plan Commission.</p>
<p><b>Discussion (Including relationship to other Council actions)</b></p> <p><u>18 March 1996 - Public Hearing</u></p> <p>Chester Bowman, petitioner, appeared before the Commission. Mr. Bowman stated that part of the conditions for approval of the secondary development plan for Forest Ridge Shopping Center (Lowe's), the developer was requested to vacate that portion of Delaware Avenue to be used as a private access. He stated that they are the only property owners that abut the right-of-way to be vacated.</p> <p>There was no one else present who spoke in favor of or in opposition to the proposed vacation.</p> <p><u>25 March 1996 - Business Meeting</u></p> <p>Motion was made and seconded to return the ordinance to the Common Council with a DO PASS recommendation, contingent upon the petitioner(s) providing utility easements or relocations as needed.</p>

### POSITIONS

### RECOMMENDATIONS

Sponsor	City Plan Commission
Area Affected	City Wide
	Other Areas
Applicants/ Proponents	<p>Applicant(s)</p> <p>Chester E Bowman</p> <p>City Department</p> <p>Other</p>
Opponents	<p>Groups or Individuals</p> <p>Basis of Opposition</p>
Staff Recommendation	<p><input checked="" type="checkbox"/> For <input type="checkbox"/> Against</p> <p>Reason Against</p>
Board or Commission Recommendation	<p>By</p> <p><input checked="" type="checkbox"/> For <input type="checkbox"/> Against</p> <p><input type="checkbox"/> No Action Taken</p> <p><input type="checkbox"/> For with revisions to conditions (See Details column for conditions)</p>
CITY COUNCIL ACTIONS (For Council use only)	<p><input type="checkbox"/> Pass <input type="checkbox"/> Other</p> <p><input type="checkbox"/> Pass (as amended) <input type="checkbox"/> Hold</p> <p><input type="checkbox"/> Council Sub. <input type="checkbox"/> Do not pass</p>

DETAILS

Of the seven (7) members present, six (6) voted in favor of the motion, the Chair did not vote.

Motion carried.

Members Present: Linda Buskirk, Ernest Evans, Dede Hall, Stanley Phillips, Richard Pierce, Dave Ross, Carol Kettler Sharp

Members Absent: James Hoch, Thomas Quirk

POLICY/PROGRAM IMPACT

Policy or Program Change	<input type="checkbox"/> No <input type="checkbox"/> Yes
Operational Impact Assessment	

(This space for further discussion)

Project Start Date 14 February 1996

Projected Completion or Occupancy Date 17 May 1996

Fact Sheet Prepared by Date 17 May 1996

Patricia Biancaniello

Reviewed by Date 20 May 1996

Reference or Case Number

ORIGINAL

ORIGINAL

#608

DIGEST SHEET

TITLE OF ORDINANCE Street Vacation Ordinance

DEPARTMENT REQUESTING ORDINANCE Land Use Management - C&ED

SYNOPSIS OF ORDINANCE A portion of Delaware Avenue.

*D-96-03-06*

EFFECT OF PASSAGE Property is currently dedicated public  
right-of-way. Property will be vacated and revert to the  
ownership of the adjacent property owners.

EFFECT OF NON-PASSAGE Property will remain dedicated public  
right-of-way.

MONEY INVOLVED (Direct Costs, Expenditures, Savings) \_\_\_\_\_

(ASSIGN TO COMMITTEE) \_\_\_\_\_

BILL NO. G-96-03-06

REPORT OF THE COMMITTEE ON  
REGULATIONS  
REBECCA J. RAVINE - THOMAS E. HAYHURST - CO-CHAIR  
ALL COUNCIL MEMBERS

WE, YOUR COMMITTEE ON REGULATIONS TO WHOM WAS

REFERRED AN (ORDINANCE) (~~XXXXXXXXXXXX~~ RESOLUTION) amending the Thoroughfare  
Plan of the City Comprehensive ("Master") Plan by vacating a dedicated  
right-of-way thereof

HAVE HAD SAID (ORDINANCE) (~~XXXXXXXXXXXX~~ RESOLUTION) UNDER CONSIDERATION  
AND BEG LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID  
(ORDINANCE) (~~XXXXXXXXXXXX~~ RESOLUTION)

<u>DO PASS</u>	<u>DO NOT PASS</u>	<u>ABSTAIN</u>	<u>NO REC</u>
<u>Rebecca Ravine</u>			
<u>Thomas E. Hayhurst</u>			
<u>Martin D. Smith</u>			
<u>John D. Campbell</u>			
<u>D.J. Schmitt</u>			

DATED: 8-11-96

Sandra E. Kennedy  
City Clerk





## THE CITY OF FORT WAYNE

CITY-COUNTY BUILDING • ROOM 122 • FORT WAYNE, INDIANA 46802 • 219-427-1221

SANDRA E. KENNEDY, CITY CLERK

May 29, 1996

Ms. Connie Lambert  
Fort Wayne Newspapers, Inc.  
600 West Main Street  
Fort Wayne, IN 46802

Dear Ms. Lambert:

PLEASE give the attached full coverage on the date of June 1, 1996,  
in both the News Sentinel and Journal Gazette.

RE: Legal Notice for Common Council  
of Fort Wayne, IN

Bill No. G-96-03-06  
Street Vacation Ordinance

Please send us 3 copies of the Publisher's Affidavit from both  
newspapers.

Thank you.

Sincerely yours,

Sandra E. Kennedy  
City Clerk

SEK/ne  
ENCL: 1

FORT WAYNE COMMON COUNCIL  
BILL NO. G-96-03-06  
NOTICE OF A PUBLIC HEARING

NOTICE IS HEREBY GIVEN THAT THE FORT WAYNE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA, WILL CONDUCT A PUBLIC HEARING ON TUESDAY, JUNE 11, 1996, AT 5:30 P.M., IN THE COMMON COUNCIL CONFERENCE ROOM 128, CITY-COUNTY BUILDING, ONE MAIN STREET, FORT WAYNE, INDIANA, CONCERNING THE FOLLOWING

21

22

23

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27

1

2

BEGINNING at the Southwest corner of Lot #23 in Delta Heights Addition, according to the plat recorded in Plat Record 11B, page 84; thence South 0 degree 58 minutes 27 seconds West (bearing based on previous description) along the West line of said Delta Heights Addition, a distance of 50.0 feet to the Northwest corner of Lot #22 in said Addition; thence South 88 degrees 51 minutes 03 seconds East along the North line of said lot, a distance of 105.0 feet to a point on the West right-of-way line of U.S. Highway 30; thence North 0 degree 58 minutes 27 seconds East along said right-of-way line, a distance of 50.0 feet to a point on the South line of Lot #23 in said Addition; thence North 88 degrees 51 minutes 03 seconds West along said South line, a distance of 105.0 feet to the point of beginning, containing 0.12 acre of land, more or less.

THE PUBLIC IS INVITED TO APPEAR BEFORE COMMON COUNCIL AND EXPRESS THEIR VIEWS.

FORT WAYNE COMMON COUNCIL

SANDRA E. KENNEDY  
CITY CLERK

"REASONABLE ACCOMMODATIONS" FOR PERSONS WITH A KNOWN DISABLING CONDITION WILL BE CONSIDERED IN ACCORDANCE WITH THE STATE AND FEDERAL LAW. ANY PERSON NEEDING A "REASONABLE ACCOMMODATION" SHOULD NOTIFY PUBLIC INFORMATION OFFICE (219) 427-1120, TTY (219) 427-1200, AT LEAST SEVENTY-TWO (72) HOURS PRIOR TO THE MEETING.

SANDRA E. KENNEDY  
CITY CLERK



PUBLISHER'S CLAIM

LINE COUNT

Display Matter (Must not exceed two actual lines, neither of which shall total more than four solid lines of type in which the body of the advertisement is set)  
-- number of equivalent lines

Head -- number of lines

Body -- number of lines

Tail -- number of lines

Total number of lines in notice

COMPUTATION OF CHARGES

50 lines, 1 columns wide equals 50 equivalent lines

at .346 cents per line

\$ 17.30

Additional charge for notices containing rule or tabular work  
(50 percent of above amount)

1.00

TOTAL AMOUNT OF CLAIM

\$ 18.30

DATA FOR COMPUTING COST

Width of single column 12.5 ems

Number of insertions 1

Size of type 6 point

Pursuant to the provisions and penalties of Chapter 155, Acts 1953,

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

Date: JUNE 1, 19 96

Title: Julie L Smith Clerk

PUBLISHER'S AFFIDAVIT

State of Indiana )

) ss:

Allen County )

Personally appeared before me, a notary public in and for said county and state, the undersigned JULIE L SMITH who, being duly sworn, says that he/she is Clerk of the The Journal-Gazette newspaper of general circulation printed and published in the English language in the (city) (town) of Fort Wayne, IN in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for 1 time, the dates of publication being as follows:

6-1-96

Julie L Smith

Subscribed and sworn to before me this 1st day of JUNE, 19 96.

Mary L Schneider  
Notary Public

MARY L SCHNEIDER  
NOTARY PUBLIC STATE OF INDIANA  
ALLEN COUNTY  
My commission expires: MY COMMISSION EXP JUNE 14, 1997

Separated to be reluctant Jessica is WORK.

in previous description) along the West line of said Delta Heights Addition, a distance of 50.0 feet to the Northwest corner of Lot #22 in said Addition; thence South 88 degrees 51 minutes 03 seconds East along the North line of said lot, a distance of 105.0 feet to a point on the West right-of-way line of U.S. Highway 30; thence North 0 degree 58 minutes 27 seconds East along said right-of-way line, a distance of 50.0 feet to a point on the South line of Lot #23 in said Addition; thence North 88 degrees 51 minutes 03 seconds West along said South line, a distance of 105.0 feet to the point of beginning, containing 0.12 acre of land, more or less.

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FW COMMON COUNCIL  
(Governmental Unit)  
  
ALLEN County, Indiana

To: The News-Sentinel  
P.O. Box 100  
Fort Wayne, IN  
Dr.

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Total number of lines in notice

COMPUTATION OF CHARGES

50 lines, 1 columns wide equals 50 equivalent lines  
at .346 cents per line \$ 17.30  
  
Additional charge for notices containing rule or tabular work  
(50 percent of above amount)  
  
Charge for extra proofs of publication (\$1.00 for each proof in excess of two) 1.00  
  
TOTAL AMOUNT OF CLAIM \$ 18.30

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Number of insertions 1  
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6-1-96

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Notary Public  
MARY L SCHNEIDER  
NOTARY PUBLIC STATE OF INDIANA  
ALLEN COUNTY  
MY COMMISSION EXP JUNE 14, 1997

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FORT WAYNE COMMON COUNCIL  
ANDREA E. KENNEDY  
CITY CLERK  
  
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ANDREA E. KENNEDY  
CITY CLERK